

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Patent Application**

Inventor(s)	Nicolas G. Duffield Matthew Roughan Subhabrata Sen Oliver Spatscheck	Serial No.	10/764,001
		Filing Date	1/23/2004
		Examiner	Mark A. Mais
Case Name	Duffield 2003-0207	Art Unit	2619
Title	A Statistical, Signature-Based Approach To IP Traffic Classification		

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

AMENDMENT  
REMARKS

This is in response to a Final Office action dated Jun 10, 2009.

Claims 1 and 19-30 were rejected under 35 USC 102(e) as being anticipated by Ford, US Patent 7,433,943. Applicants respectfully traverse.

In point 23 (within the Response to Arguments section), the Examiner addresses applicants' arguments in the previous amendment, and states that applicants "argue, apparently, that the cited "utilization statistics' cannot create a rule based on such statistics." That is the general thrust of applicants' arguments, but the Examiner's characterization is not fully accurate. Specifically, applicants did not assert that the utilization statistics **cannot** create a rule based on such statistics.

In the previous amendment applicants recognized:

- that measurement engine 140 samples data flows,
- that engine 140 measures "bandwidth utilization with respect to a plurality of utilization statistics," and
- that these statistics include "average rate (bps), peak rate (bps), total inbound and/or outbound bytes, and network efficiency (i.e., the number of packets/flows/bytes that are retransmitted over the total number of packets/flows/bytes)."

Applicants argued, however, that